



Atty Docket No. 80398.P394

Patent

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	Examiner:	Siddiqi, M. A.
)		
Davies, et al.)	Art Unit:	2126
)		
Application No. 09/875,670)	Confirm. No:	7529
)		
Filed: June 5, 2001)		
)		
For: A METHOD AND AN APPARATUS)		
FOR THE INTEGRATION OF IP)		
DEVICES INTO A HAVI)		
NETWORK)		
)		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2126, mailed May 17, 2005, in which claims 1, 3-10, 19, 25-29, 33, and 35-46 in the above-identified application were rejected in a final action. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real parties in interest are the assignees of the full interest in the invention:
Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

10/20/2005 MBIZUNES 00000054 09875670
01 FC:1401 500.00 OP

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1, 3-10, 19, 25-29, 33, and 35-46 are pending in the application and are the subject of this appeal. A copy of Claims 1, 3-10, 19, 25-29, 33, and 35-46 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1, 3-10, 19, 25-29, 33, and 35-46 is directed to a server that communicates with a home network device using a dedicated home audio/video network protocol. [Specification, Figure 2, Paragraph 0028] In addition, the server communicates with a proxy on an Internet Protocol (IP) device with an application programming interface (API) compliant with the Internet Protocol and the dedicated home audio/video network protocol. [Specification, Figure 2, Paragraph 0028] The API provides support to translate and relay calls between the proxy and the server so that the home network device and the IP compliant devices can control each other through the proxy. [Specification, Figure 2, Paragraph 0029-0031]

In particular, the home network device is a Home Audio Visual Initiative (HAVi) compliant device that includes a HAVi server. [Specification, Figure 2, Paragraph 0028] In addition, the HAVi server that communicates with the HAVi device using a HAVi API. [Specification, Figure 2, Paragraph 0028] Furthermore, the server communicates with the IP device with an IP/HAVi API over an IP network. [Specification, Figure 2, Paragraph 0028] The IP/HAVi API provides support to translate and relay calls between

the proxy and the server so that the HAVi and the IP compliant devices can control each other. [Specification, Figure 2, Paragraph 0029-0031]

Claims 33 and 35-37 are means for claims. Corresponding structure for the means is shown in Figure 2 (claims 33 and 37) and Figure 4 (claims 35 and 36).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3-10, 19, 25-29, 33, and 35-46 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent Publication No. 2001/0032273 to Cheng et al. (“Cheng”) in view of U.S. Patent No. 6,694,363 to Yamadaji et al. (“Yamadaji”).

VII. ARGUMENTS

I. Claims 1, 3-10, 19, 25-29, 33, and 35-46 are Patentable under 35 U.S.C. § 103(a) over Cheng et al in view of Yamadaji et al.

Cheng discloses connecting networks of dissimilar protocols through a thin “glue layer” that translates between the dissimilar protocols. Each glue layer allows an application executing on one network to control a device connected to the other network. The glue layers form a bridge between the two networks. As shown in Cheng’s Figure 2, a HAVi application 230 can control an IP device, such as a web server 180, through glue layer 220. Similarly, an IP application, such as web browser 210, can control a HAVi device 250 through glue layer 260. However, Cheng does not teach or suggest that the bridge formed by glue layers 220, 260 allows either HAVi device 250 or web server 180 to control the other device. In addition, Cheng specifically states that neither the web server nor HAVi device have to be modified for the bridge to work. Instead, Cheng discloses that the components of the glue layers execute on other systems also connected to the HAVi network.

Yamadaji discloses controlling different types of HAVi devices on a HAVi network through a single HAVi controller.

A. Claims 29 and 44-46

Claims 29 and 44-46 stand or fall together. Claim 29 is the representative claim. Claim 29 recites a proxy and an API on an IP device that allows a home network device and the IP device to control each other. Furthermore, claim 29 recites that the API on the IP device is compliant with the home network device’s dedicated home audio/visual network protocol.

Appellant respectfully submits that the combination of Cheng and Yamadaji does not teach or suggest each and every element of claim 29. Claim 29 recites both a proxy on an IP device and an API that allows a home network device and the IP device to control each other. In addition, Appellant claims the API is compliant with the home network device’s dedicated home audio/visual network protocol. The Examiner is

asserting that Cheng's proxy 310, 320—which is part of glue layer 220—is equivalent with Appellant's claimed proxy. However, Cheng's proxy 320 cannot be properly equated with Appellant's proxy on an IP device as claimed. In fact, Cheng actually teaches away from locating the proxy on an IP device, e.g. web server 180, because Cheng specifically states that the IP device does not need to be modified to work with the bridge. Furthermore, Cheng does not teach or suggest that the home network and IP devices can control each other or that the API on the IP device is compliant with a dedicated home audio/visual network protocol as claimed. Yamadaji does not teach or suggest any of the following claimed elements: the proxy and API on the IP device, the home network and IP devices controlling each other, and the compliant API.

Therefore, the combination of Cheng and Yamadaji cannot render obvious Appellant's claim 29 and 44-46 under 35 U.S.C. § 103(a).

B. Claims 1, 3-10, 19, 25-28, 33, and 35-43

Claims 1, 3-10, 19, 25-28, 33, and 35-43 stand or fall together. Claim 1 is the representative claim. Claim 1 recites a proxy and an IP/HAVi API on an IP device that allows a HAVi device and the IP device to control each other.

Appellant respectfully submits that the combination does not teach or suggest each and every element of claim 1 for at least the same reasons that Cheng and Yamadaji do not render obvious claim 29, as discussed above.

Therefore, the combination of Cheng and Yamadaji cannot render obvious Appellant's claims 1, 3-10, 19, 25-28, 33, and 35-43 under 35 U.S.C. § 103(a) over the combination.

VIII. CONCLUSION

The combination of Cheng and Yamadaji does not teach each and every limitation of Appellant's invention as claimed in claim 1, 3-10, 19, 25-29, 33, and 35-46. Accordingly, Appellant respectfully requests the Board reverse the rejections of claims 1, 3-10, 19, 25-29, 33, and 35-46 under 35 U.S.C. § 103(a) and direct the Examiner to enter a Notice of Allowance for claims 1, 3-10, 19, 25-29, 33, and 35-46.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

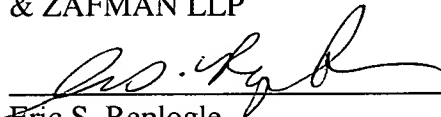
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: Oct. 17, 2005


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APPARATUS FOR THE)		
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**APPENDIX A FOR
APPELLANT'S BRIEF UNDER 37 C.F.R. 41.37(a)**

1. (Previously Presented) A controller comprising at least one Home Audio Visual Initiative (HAVi) server that communicates with at least one HAVi compliant device using a HAVi application programming interface (API) and further communicates with at least one proxy on at least one Internet Protocol (IP) device using an IP and HAVi API, the server communicating with the IP device via the Internet protocol, the IP and HAVi API providing API support to translate and relay calls between the proxy and the server so that each one of the at least one HAVi compliant device and the IP device controls the other one of the devices.

2. (Cancelled)

3. (Previously Presented) The controller as set forth in claim 1 further comprising an IP device control module (DCM), wherein the at least one HAVi compliant device controls the IP device by accessing a DCM associated with the IP device.
4. (Previously Presented) The controller as set forth in claim 1, wherein the HAVi compliant device is physically located on the controller.
5. (Previously Presented) The controller as set forth in claim 3, further comprising a HAVi stack that enables the IP device DCM to be instantiated independently of bus reset events.
6. (Previously Presented) The controller as set forth in claim 1, wherein the server communicates with IP devices across a first communication medium and HAVi compliant devices across a second communication medium.
7. (Original) The controller as set forth in claim 6, wherein the first communication medium is selected from the group consisting of fiber, optical, cable, wire and wireless networks.
8. (Original) The controller as set forth in claim 5, wherein the second communication medium is an IEEE 1394 network.
9. (Previously Presented) The controller as set forth in claim 1, further comprising a stream bridge configured to capture content from a first device of IP and HAVi compliant devices coupled to the controller and relay it to a second device of IP and HAVi compliant devices.
10. (Previously Presented) The controller as set forth in claim 1, wherein the controller is selected from the group consisting of a HAVi full audio/visual device and an intermediate audio/visual device.

11-18. (Cancelled)

19. (Previously Presented) The Internet Protocol network device as set forth in claim 46, wherein content is streamed between the Internet Protocol network device and the home audio/video network controller.

20-24. (Cancelled)

25. (Previously Presented) A method of integrating an Internet Protocol (IP) device into a Home Audio Visual Initiative (HAVi) network comprising:

coupling at least one IP device to a first HAVi compliant device acting as a controller, the IP device coupled to the first HAVi compliant device through a connection using the Internet protocol, the IP device including a proxy that communicates with a server on the controller;

accessing an IP and HAVi application programming interface (API) and the proxy on the IP device to translate and relay information to a server on the first HAVi compliant device; and

controlling each one of the IP device and a second HAVi compliant device by the other one of the devices through the proxy.

26. (Previously Presented) The method as set forth in claim 25 further comprising instantiating an IP device control module (IP device DCM) on the controller corresponding to the IP device, wherein the IP device DCM is instantiated independently of bus reset events.

27. (Original) The method as set forth in claim 25, wherein the second HAVi compliant device is selected from the group consisting of the first HAVi compliant device and a device coupled to the first HAVi compliant device through a network.

28. (Previously Presented) The method as set forth in claim 25, further comprising streaming data between the IP device and the controller.

29. (Previously Presented) A method of integrating an Internet protocol network device into a home audio/video network comprising:

coupling an Internet Protocol network device to a home audio/video network device acting as a controller, the Internet Protocol network device coupled to the home audio/video network device through a connection using an Internet Protocol, the Internet Protocol network device including a proxy that communicates with a server on the controller;

accessing an application programming interface and proxy on the Internet Protocol network device to translate and relay information to the server, the application programming interface compliant with a dedicated home audio/video network protocol and the Internet Protocol; and

controlling each one of a different home audio/video network device and the Internet Protocol network device by the other of the devices through the proxy.

30-32. (Cancelled)

33. (Previously Presented) A system for integrating an Internet Protocol (IP) device into a Home Audio Visual Initiative (HAVi) network comprising:

means for coupling at least one IP device to a first HAVi compliant device acting as a controller, the IP device coupled to the first HAVi compliant device through a connection using the Internet protocol, the IP device including a proxy that communicates with a server on the controller;

means for accessing an IP and HAVi application programming interface (API) on the IP device to translate and relay information to the first HAVi compliant device; and

means for coupling a second HAVi compliant device to the HAVi network, wherein each one of the second HAVi compliant device and the IP device controls the other one of the devices.

34. (Cancelled)

35. (Previously Presented) The system as set forth in claim 33 further comprising means for instantiating an IP device control module (IP device DCM) on the controller corresponding to the IP device, wherein at least one HAVi compliant device controls the IP device by accessing a DCM corresponding to the IP device.

36. (Previously Presented) The system as set forth in claim 35, wherein the IP device DCM is instantiated independently of bus reset events.

37. (Previously Presented) The system as set forth in claim 33, further comprising means for streaming data between the IP device and the controller.

38. (Previously Presented) The home audio/video network controller as set forth in claim 45 further comprising a device control module corresponding to the Internet Protocol network device, wherein the home audio/video network device controls the Internet Protocol network device by accessing the device control module.

39. (Previously Presented) The home audio/video network controller as set forth in claim 45, wherein the home audio/video and Internet Protocol network devices communicate through mediums selected from the group consisting of fiber, optical, cable, wire and wireless networks.

40. (Previously Presented) The home audio/video network controller as set forth in claim 45 further comprising a stream bridge configured to capture content from one of the home audio/video and Internet Protocol network devices and relay it to the other one of the devices.

41. (Previously Presented) The method as set forth in claim 29 further comprising instantiating a device control module on the controller, the DCM corresponding to the Internet Protocol network device, wherein one of the home audio/video network devices controls the Internet Protocol network device by accessing the device control module.

42. (Previously Presented) The method as set forth in claim 29, wherein the home audio/video network and Internet Protocol network devices communicate through mediums selected from the group consisting of fiber, optical, cable, wire and wireless networks.

43. (Previously Presented) The method as set forth in claim 29, further comprising providing a stream bridge configured to capture content from one of the different home audio/video network and Internet Protocol network devices and relay it to the other one of the devices.

44. (Previously Presented) A home audio/video network comprising:

- a controller comprising a server and a first application program interface that is compliant with a dedicated home audio/video network protocol;

- a home network device coupled to the controller, the home network device comprising a second application program interface compliant with the dedicated home audio/video network protocol, wherein the second application program interface is operable to communicate commands between a program executing on the home network device and the server through the first application program interface; and

- an Internet Protocol network device coupled to the controller, the Internet Protocol network device comprising a proxy and a third application program interface that is compliant with the dedicated home audio/video network protocol and with an Internet Protocol, wherein the third application program interface is operable to translate and relay commands between the server and the proxy, and is further operable to translate and relay commands between the proxy and a program executing on the Internet Protocol network device to allow the home and Internet Protocol network devices to control each other.

45. (Previously Presented) A home audio/video network controller comprising:

- a server and a first application program interface compliant with a dedicated home audio/video network protocol,

wherein the first application program interface is operable to communicate commands between the server and a program executing on a home network device through a second application program interface that is resident on the home network device and compliant with the dedicated home audio/video network protocol, and

wherein the server is operable to communicate commands to and from an Internet Protocol network device through a proxy and a third application program interface that are resident on the Internet Protocol network device, the third application program interface compliant with the dedicated home audio/video network protocol and with an Internet Protocol, wherein the third application program interface translates and relays commands between the server and the proxy and further translates and relays commands between the proxy and a program executing on the Internet Protocol network device to allow the home and Internet Protocol network devices to control each other.

46. (Previously Presented) An Internet Protocol network device comprising:

a proxy and a first application program interface compliant with a dedicated home audio/video network protocol and with an Internet Protocol,

wherein the first application program interface is operable to translate and relay commands between the proxy and a program executing on the Internet Protocol network device, and

wherein the first application program interface is further operable to translate and relay commands between the proxy and a server coupled to a home network device to allow the Internet Protocol network device and the home network device to control each other, the server resident in a home audio/video network controller that includes a second program interface to communicate commands between a program executing on the home network device and the server.

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known:

Application No. 09/875,670
Filing Date 6/5/01
First Named Inventor Davies
Examiner Name Siddiqi, M.
Art Unit 2126
Attorney Docket No. 80398.P394

 Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply) X Check Credit Card Money Order None Other (please identify) Deposit AccountDeposit Account Number : 02-2666Deposit Account Name: X The Director is Authorized to do the following with respect to the above-identified Deposit Account: Charge fee(s) indicated below. X Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application. Charge fee(s) indicated below except for the filing fee X Credit any overpayments. X Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Code	Fee (\$)	Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	1,000/500	
1111	500	2111	250	Utility search fee		
1311	200	2311	100	Utility examination fee		
1012	200	2012	100	Design application filing fee	430/215	
1112	100	2112	50	Design search fee		
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee	660/330	
1113	300	2113	150	Plant search fee		
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee	1,400/700	
1114	500	2114	250	Reissue search fee		
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		
SUBTOTAL (1) \$						<u>0</u>

2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims _____ - 20 or HP = _____		X _____	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims _____ - 3 or HP = _____		X _____	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims _____		_____	= _____

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>	
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ 0**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	- 100 = _____	/ 50 = _____ (round up to whole number)	X _____	_____

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>	
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ 0

FEE CALCULATION (continued)**4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)				
<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	
Code (\$)	Code (\$)	Code (\$)	Code (\$)	
1051 130	2051 65	Fee Description		
1052 50	2052 25	Surcharge - late filing fee or oath		
1053 130	1053 130	Surcharge - late provisional filing fee or cover sheet		
1812 2,520	1812 2,520	Non-English specification		
1813 8,800	1813 8,800	For filing a request for ex parte reexamination		
1804 920*	1804 920*	Request for inter parties reexamination		
1805 1,840*	1805 1,840*	Requesting publication of SIR prior to Examiner action		
1251 120	2251 60	Requesting publication of SIR after Examiner action		
1252 450	2252 225	Extension for reply within first month		
1253 1,020	2253 510	Extension for reply within second month		
1254 1,590	2254 795	Extension for reply within third month		
1255 2,160	2255 1,080	Extension for reply within fourth month		
1401 500	2401 250	Extension for reply within fifth month		
1402 500	2402 250	Notice of Appeal		
1403 1,000	2403 500	Filing a brief in support of an appeal		500.00
1451 1,510	1451 1,510	Request for oral hearing		
1452 500	2452 250	Petition to institute a public use proceeding		
1453 1,500	2453 750	Petition to revive - unavoidable		
1501 1,400	2501 700	Petition to revive - unintentional		
1502 800	2502 400	Utility issue fee (or reissue)		
1503 1100	2503 550	Design issue fee		
1462 400	1462 400	Plant issue fee		
1463 200	1463 200	Petitions to the Commissioner (CFR 1.17(f) Group I)		
1464 130	1464 130	Petitions to the Commissioner (CFR 1.17(g) Group II)		
1807 50	1807 50	Petitions to the Commissioner (CFR 1.17(h) Group III)		
1806 180	1806 180	Processing fee under 37 CFR 1.17(q)		
8021 40	8021 40	Submission of Information Disclosure Stmt		
1809 790	2809 395	Recording each patent assignment per property (times number of properties)		
1814 130	2814 65	For filing a submission after final rejection (see 37 CFR 1.129(a))		
1810 790	2810 395	Statutory Disclaimer		
1801 790	2801 395	For each additional invention to be examined (see 37 CFR 1.129(b))		
1802 900	1802 900	Request for Continued Examination (RCE)		
1504 300	1504 300	Request for expedited examination of a design application		
1505 300	1505 300	Publication fee for early, voluntary, or normal pub.		
1803 130	1803 130	Publication fee for republication		
1808 130	1808 130	Request for voluntary publication or republication		
1454 1,370	1454 1,370	Processing fee under 37 CFR 1.17(i) (except provisionals)		
		Acceptance of unintentionally delayed claim for priority		
Other fee (specify) _____				
Other fee (specify) _____				
SUBTOTAL (4) \$ 500.00				

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Eric S. ReplogleSignature: Date: Oct. 17, 2005Reg. Number: 52,161Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450